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Board of Ethics

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Room 303 320 North Clark Street Chicago, Illinois 60610 (312) 744-9660 ()

October 10, 1991

CONFIDENTIAL



RE: Gifts and Travel Case No. 91079.A ADVISORY OPINION

Dear ____

thank you for consulting with us on this matter.

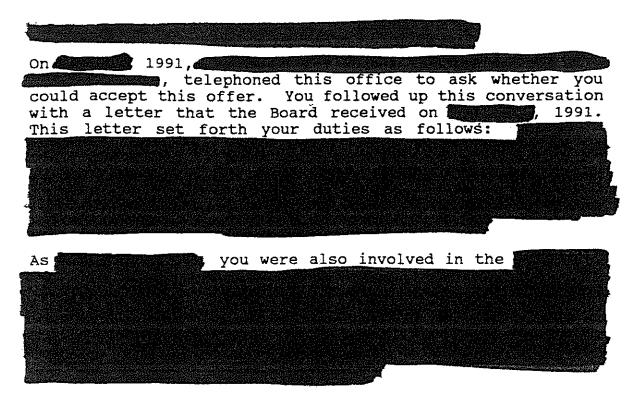
After carefully reviewing the facts presented, the Board determines that while your acceptance of these tickets is not explicitly prohibited by the Ordinance, such acceptance would be contrary to the purpose of the Ordinance because it creates the appearance of using a public office to obtain a private gain. The Board believes that conduct that creates an appearance of impropriety should be avoided whenever possible. The avoidance of the appearance of impropriety is one of the cornerstones of the Ethics Ordinance as set forth below.

Our analysis of your case is presented for your review and consideration.

FACTS:	You !	hold	the	positi	on of				
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You also stated in your letter to the Board, "I have no economic interest in Co. I nor am I involved in any regulatory aspect or decision making that could affect Co. "

ORDINANCE AND ANALYSIS: The specific provision of the Governmental Ethics Ordinance that applies to this case is section 2-156-040(c). It states:

(c) No person who has an economic interest in a specific City business, service or regulatory transaction shall give, directly or indirectly, to any City official or employee whose decision or action may substantially affect such transaction, or to the spouse or minor child of such official or employee, and none of them shall accept, any gift of (i) cash or its equivalent regardless of value, or (ii) an item or service other than an occasional one of nominal value (less than \$50) provided, however, nothing herein shall be construed to prohibit such person from accepting gifts from relatives.

Section 2-156-010(i) of the Ethics Ordinance defines the phrase "economic interest" as "any interest valued or capable of valuation in monetary terms . . . " Subsection (c) prohibits a City official or employee from accepting gifts from persons who have an economic interest in a specific

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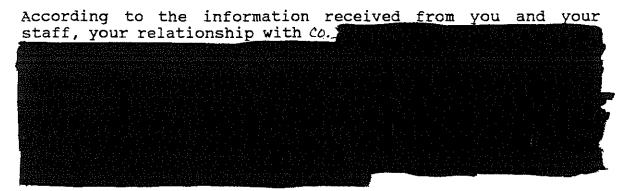
business, service, or regulatory transaction with the City if the official or employee is in a position to substantially affect this transaction.

The preamble of the Ethics Ordinance, in relevant part, states:

WHEREAS, it is essential to the function of democratic government that the public have confidence in the fair and honest administration of government; and

WHEREAS, that confidence can best be engendered and preserved by the avoidance of conflicts of interest, impropriety, or the appearance of them;

The preamble clearly sets forth the purposes and goals of the Governmental Ethics Ordinance.



conclusion: The facts presented indicate that you are not in a position to substantially affect any specific business, service, or regulatory transaction of the City in which co. has an economic interest. Therefore, based upon the facts presented, section 2-156-040 (c) of the Governmental Ethics Ordinance would not explicitly prohibit you from accepting this offer from co.

However, the Board has serious concerns about the appearance of impropriety that may be created by your acceptance of tickets from co. fro

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consideration to this appearance of impropriety.

We enclose a copy of our procedural rules, which we include with every advisory opinion. If you have any questions, please feel free to contact us:

Sincerely,

Al Hafele Chairman

cc:

Kelly Welsh, Corporation Counsel

meh/91079.A02

The Board's opinion is based on the application of the City's Governmental Ethics Ordinance to the facts stated in this opinion. If the facts presented in this opinion are incorrect or incomplete, please notify the Board immediately, as any change in the facts may alter our opinion. Other laws or rules may be applicable to this situation.

NOTICE OF RECONSIDERATION AND RELIANCE

Reconsideration: This advisory opinion is based on the facts outlined in this opinion. If there are additional material facts or circumstances that were not available to the Board when it considered this case, you may request reconsideration of the opinion. A request for reconsideration must (1) be submitted in writing, (2) explain the material facts or circumstances that are the basis of the request, and (3) be received by the Board of Ethics within fifteen days of the date of this opinion.

Reliance: This advisory opinion may be relied upon by (1) any person involved in the specific transaction or activity with respect to which this opinion is rendered and (2) any person involved in any specific transaction or activity that is indistinguishable in all its material aspects from the transaction or activity with respect to which the opinion is rendered.